

Appln. No. 09/879,870
Response dated Oct. 16, 2003
Advisory Action dated Oct. 8, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 09/879,870
Applicants : William M. Appleman, et al.
Filed : June 13, 2001
TC/A.U. : 1723
Examiner : Krishnan S. Menon

CONFIRMATION NO. 4961

Docket No. : 82,918
Customer No. : 000038092

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Commissioner of Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

RESPONSE TO ADVISORY ACTION

Sir:

This response relates to the Examiner's Advisory Action dated Oct. 8, 2003 indicating that: (a) the period for reply to the Final Office action by Appeal expires after Oct. 14, 2003; and (b) the Rule 116 Amendment filed Sept. 3, 2003 following the Final Office action is denied entry because it raises new issues introduced by allegedly new limitations proposed for claim 2, residing in lateral withdrawal of a filtered fluid portion from processing elements in a sealed chamber by "gravitational collection--below the--processing elements".

COMMENTS

(a) As to a reply by Appeal from the Final Office action, an Appeal Notice and an Appeal Brief were already timely filed on Oct. 14, 2003 by facsimile transmission. (A copy of the Auto-Reply Facsimile Transmission is attached).

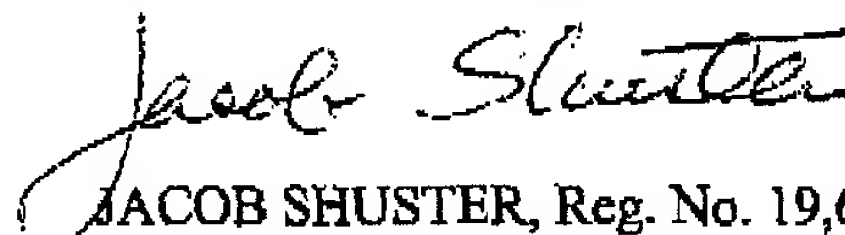
(b) In regard to the Examiner's stated reasons for currently denying entry of the proposed Rule 116 amendments to claim 2 on appeal, the Examiner is urged to consider the following facts and the related bases for entering of such amendments so as to sanction either an allowance of the application as amended or reopening of its prosecution once again.

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First, the original specification in the present application on page 4 lines 9-10 indicates that "bilgewater (undergoes) percolation laterally within a sealed chamber--for discharge through the drain 18". According to the latter quoted portion of the specification the referred to discharge occurs because the lateral percolation referred to is effected "so as to gravitationally collect--the-- cleansed portion for discharge" (underlining added). Furthermore, according to the generally known meaning of "drainage" as set forth for example in the Webster Third New International Dictionary, page 685, is: "the act, process or means of drawing off fluids--by means of--gravity". In view of the foregoing, the Rule 116 amendments proposed for claim 2 on appeal did not raise any new issues because they merely emphasized claim limitations inherent or implied, as indicated in the original specification and supported by dictionary definition with respect to discharge through a drain.

After careful consideration of the foregoing referred to situation in the present case in regard to the proposed Rule 116 amendments, the Examiner is urged to either allow the application based on claims 2 and 3 as amended or reopen prosecution. Otherwise, an Examiner's Answer in response to the Appeal Brief is expected in due course.

Respectfully submitted,



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Navy Case No. 82,918		PATENTS	
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE			
In re application of	:		
William M. Appleman, et al.	:	Group Art Unit: 1723	
Serial No. 09/570,270	:	Examiner: Krishnan S. Menon	
Filed: June 13, 2001	:	CONFIRMATION NO. 4961	
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Navy Case No. 82,918

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :

William M. Appleman, et al. :

: Group Art Unit: 1723

Serial No. 09/879,870 :

: Examiner: Krishnan S. Menon

Filed: June 13, 2001 :

: CONFIRMATION NO. 4961

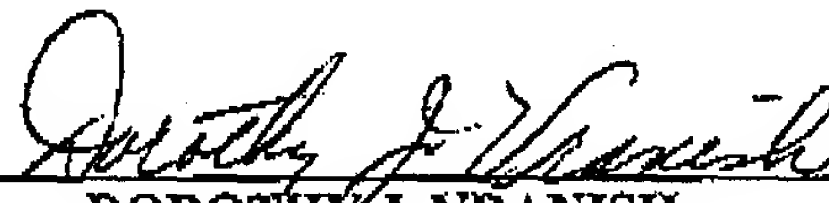
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